

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BOBBY T. McCARTHER,

Defendant.

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8:07CR152

ORDER

This matter is before the court on defendant's unopposed MOTION FOR ENLARGEMENT OF TIME TO FILE PRETRIAL MOTIONS [62]. For good cause shown, I find that the motion should be granted. The defendant will be given the requested approximate 20-day extension. Pretrial Motions shall be filed by January 7, 2008.

**IT IS ORDERED:**

1. Defendant's MOTION FOR ENLARGEMENT OF TIME TO FILE PRETRIAL MOTIONS [62] is granted. Pretrial motions shall be filed on or before **January 7, 2008**.

2. Defendant is ordered to file a waiver of speedy trial as soon as practicable.

3. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., **the time between December 18, 2007 and January 7, 2008**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel required additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

**DATED this 14<sup>th</sup> day of December, 2007.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**